



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION IX**  
**75 Hawthorne Street**  
**San Francisco, CA 94105**

**DRAFT Coordinated Approval**  
**for a**  
**Polychlorinated Biphenyl Storage and Disposal Facility**  
**Under Section 6(e) of the Toxic Substances Control Act**

Permittee/Owner and Operator:      Chemical Waste Management, Inc.  
Kettleman Hills Facility  
(EPA ID Number CAT 000 646 117)  
35251 Old Skyline Road  
Kettleman City, CA 93239  
Phone: 509-386-9711

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## A. INTRODUCTION AND DEFINITIONS

### 1. Background

On October 20, 2003, Chemical Waste Management, Inc. submitted a letter to EPA requesting a TSCA PCB Coordinated Approval (Approval) per 40 C.F.R. § 761.77(a)(1)(i) for operation of the polychlorinated biphenyl (PCB) storage and landfill disposal facility located at 35251 Old Skyline Road, Kettleman City, CA 93239, commonly referred to as the Kettleman Hills Facility (KHF). In response to that request, the United States Environmental Protection Agency, Region 9 (EPA)<sup>1</sup> is issuing this Approval to Chemical Waste Management, Inc. as owner and operator of KHF. Chemical Waste Management, Inc. is a subsidiary of Waste Management Incorporated, a publicly held corporation incorporated in the State of Delaware. This Approval is being issued pursuant to Section 6(e)(1) of the Toxic Substances Control Act (TSCA) of 1976, 15 § U.S.C. 2605 (e)(1) and 40 C.F.R. Part 761.

### 2. Determination of Applicability of Coordinated Approval Requirements

The TSCA regulations at 40 C.F.R. § 761.77(b) require that the EPA Regional Administrator make the following determinations before issuing a TSCA Coordinated Approval:

- i. The activity will not pose an unreasonable risk of injury to health or the environment [40 C.F.R. § 761.77(b)];
- ii. The owner or operator of the facility has a waste management permit or other decision or enforcement document which exercises control over PCB wastes, issued by EPA or an authorized State Director for a State program that has been approved by EPA and is no less stringent in protection of health or the environment than the applicable TSCA requirements found in this part [40 C.F.R. § 761.77(b)(1)(i)];
- iii. The owner or operator complies with the terms and conditions of the permit or other decision or enforcement documents described in paragraph (b)(1) of this section [40 C.F.R. § 761.77(b)(2)];
- iv. Unless otherwise waived or modified in writing by the EPA Regional Administrator, the owner or operator complies with 761.75(b); 761.70(a)(1) through (a)(9), (b)(1) and (b)(2), and (c); or the PCB storage requirements at 761.65(a), (c), and (d)(2), as appropriate [40 C.F.R. § 761.77(b)(3)]; and
- v. The owner or operator complies with the reporting and recordkeeping requirements in subparts J and K of this part [40 C.F.R. § 761.77(b)(4)].

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<sup>1</sup>The authority to grant, deny, or revoke TSCA PCB coordinated approvals is delegated to the Director of the Communities and Ecosystems Division, Region 9 under United States Environmental Protection Agency Delegation of Authority 12-5 (Management of Polychlorinated Biphenyls) and United States Environmental Protection Agency - Region 9 Order R9.1260.02 B (TSCA Management of Polychlorinated Biphenyls), May 19, 2005.

For the first determination item, based on all available information, EPA has determined that the continued operation of KHF is not posing an unreasonable risk of injury to health or the environment. Moreover, to ensure that the KHF's operations will continue to meet this standard in the future, EPA has included in the Approval certain conditions not otherwise required by TSCA but necessary to prevent an unreasonable risk of injury to health or the environment.

For the second determination item, KHF was issued a hazardous waste permit by the California Department of Toxic Substances Control, Permit Number: 02-SAC-03, (State Permit) that covers PCB storage and disposal activities. EPA authorized the State of California to implement its hazardous waste program in lieu of the federal Resource Conservation and Recovery Act (RCRA) program on July 23, 1992 (57 Fed. Reg. 32726), and reauthorized the program in 2001. The California State program is broader in scope than the federal RCRA program which is why it includes PCBs as a listed hazardous waste material.

For the third through fifth determination items, which require a finding that a permittee complies with state permit conditions and certain conditions of TSCA, EPA has determined that KHF is currently complying with the cited provisions. This determination is based upon available information, however, and in no way limits EPA's actions if it later discovers non-compliance on the part of KHF with any of those provisions.

The terms of the Approval include (1) provisions in the State Permit (attached and labeled as "Attachment 1"); (2) additional conditions the EPA has determined are necessary to prevent unreasonable risk of injury to health or the environment; and (3) requirements to ensure that the Permittee complies with 40 C.F.R. §§ 761.75(b), § 761.65(a),(c), and (d)(2), and Subparts J and K.<sup>2</sup> To ensure clarity when referencing State Permit conditions, EPA has included specific citations in this Approval to both the State Permit condition and the applicable California regulation where appropriate. Nothing in this Approval shall waive or modify the Permittee's requirement to comply with the California Code of Regulations or the State Permit. Pursuant to 40 C.F.R. § 761.77(a), any provisions that are included as part of this Approval, including applicable conditions of the State Permit, become conditions of this Approval and are enforceable by EPA.

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<sup>2</sup> The following TSCA regulations were not incorporated into the Approval because the EPA review determined that they had been satisfied during the establishment of KHF: 40 C.F.R. §§ 761.75(b)(1), 761.75(b)(2), 761.75(b)(3), 761.75(b)(4), 761.75(b)(5), 761.75(b)(7), 761.202, and 761.205. The following TSCA regulations were not incorporated into the Approval because the EPA review determined they were not relevant at KHF: 40 C.F.R. §§ 761.65(a)(4), 761.65(b)(2)(i), 761.65(b)(2)(ii), 761.65(b)(2)(iv), 761.65(b)(2)(vi), 761.65(d)(1), 761.70, 761.75(b)(6)(i), 761.75(b)(8)(ii), 761.75(b)(8)(iv), 761.180(a), 761.180(c), 761.180(e), 761.180(g), 761.185, 761.187, 761.193, 761.208(a)(2), 761.208(a)(3), 761.208(b), 761.208(c)(2), and 761.209(b).

As provided by 40 C.F.R. § 761.77(a)(2) and Section C.11 of this Approval, EPA may, among other things, terminate or suspend this Approval; if EPA determines that: (1) conditions of the State Permit relating to TSCA management activities are not met; (2) the PCB waste management activities are being operated in a manner which may result in an unreasonable risk of injury to health or the environment; or (3) the State Permit expires, is revoked, is suspended, or otherwise ceases to be in full effect.

### 3. Definitions

Unless otherwise defined below, all the terms and acronyms used in this Approval shall have the same definitions as those set forth in Part I Definitions of the State Permit, page 3, and 40 C.F.R. § 761.3.

- a. "Administrative Record" means the documents reviewed and relied upon for EPA's issuance of this Approval.
- b. "Approval" means this TSCA PCB Coordinated Approval.
- c. "C.F.R." means the Code of Federal Regulations.
- d. "C.C.R." means the California Code of Regulations.
- e. "Closure Plan" means the following documents: Construction Specifications and Quality Assurance Plan, Landfill Unit B-18 Phases I and II and Final Closure, Environmental Solutions, Inc, July 1990; and PCB Flushing/Storage Unit Operations Plan for Chemical Waste Management, Revised February 1994.
- f. "Day" means a calendar day.
- g. "Director" means Director of the Communities and Ecosystems Division, EPA Region 9.
- h. "DTSC" means California Environmental Protection Agency, Department of Toxic Substances Control.
- i. "EPA" means United States Environmental Protection Agency - Region 9.
- j. "Facility Mailing List" means the list developed by DTSC in compliance with C.C.R., Title 22, Chapter 21, Article 1 Waste Permit Decisions, Section 66271.9(c)(1)(D).
- k. "Geomembrane" means a geosynthetic material composed of one or more sheets.
- l. "HDPE" means High Density Polyethylene. This material is a type of plastic and often identified by the number 2 within the recycling symbol.
- m. "Information Repository" means the reference desk of the Kettleman City Branch of the Kings County Library.
- n. "KHF" means the Chemical Waste Management, Inc., Kettleman Hills Facility located at 35251 Old Skyline Road, Kettleman City, CA 93239.
- o. "Mil" means one thousandth of an inch.
- p. "Permittee" means the KHF Owner and Operator, Chemical Waste Management, Inc.
- q. "PPM" means parts per million or milligrams per kilogram.
- r. "PPB" means parts per billion or micrograms per kilogram.
- s. "Responsible Official" means the facility manager, deputy or assistant facility manager, environmental manager, and any other person who performs similar policy and decision-making functions for KHF. Note: These individuals may further identify additional "Responsible Officials" in writing to EPA.
- t. "State Permit" means the California Environmental Protection Agency, Department of Toxic Substances Control, Hazardous Waste Facility Permit, Permit Number: 02-SAC-03, attached and labeled as "Attachment 1".
- u. "TSCA" means Toxic Substances Control Act 15 USC 2601 *et seq.* as implemented by 40 C.F.R. Part 761.

Unless otherwise provided for by the conditions of this Approval, the following substitutions apply to any provision referenced in the State Permit, or the C.C.R. cited in this Approval:

- v. Substitute "hazardous waste" with "PCBs."
- w. Substitute "Department" with "EPA."
- x. Substitute "facility" with "facility that manages PCBs."

## B. FACILITY DESCRIPTION

KHF consists of a 1600 acre parcel located just north of State Highway 41 at 35251 Old Skyline Road in Kings County, CA, two and one-half miles west of Interstate Highway 5. Of the 1600 acres, 499 acres are used by the Permittee to manage RCRA hazardous waste and TSCA PCB waste.

1. The nearest population center is Kettleman City, approximately one mile northeast of the junction of State highway 41 and Interstate highway 5.
2. At KHF, the Permittee drains liquid PCBs and flushes liquid PCBs from PCB Items, stores liquid and non-liquid PCBs, and disposes of non-liquid PCBs. This Approval allows the Permittee to: (1) operate Landfill Unit B-18; (2) operate the PCB Flushing/Storage unit; (3) perform limited solidification of PCB waste in the Final Stabilization Unit; and (4) perform draining and flushing activities. This Approval also requires the Permittee to monitor the closed TSCA Landfill Units B-14, B-16, and B-19.
3. KHF is also regulated by the State of California. EPA authorized the State of California to implement its hazardous waste program in lieu of the federal Resource Conservation and Recovery Act (RCRA) program on July 23, 1992 (57 Fed. Reg. 32726). In approving California's program, EPA determined that the State's hazardous waste program is as stringent as the federal RCRA program. EPA reauthorized the state program in 2001. The state program is broader in scope than the federal RCRA program because it includes PCBs as a listed hazardous waste material and imposes requirements on facilities that store and dispose of PCBs. The Permittee has a permit from the state program (California Environmental Protection Agency, Department of Toxic Substances Control, Hazardous Waste Facility Permit, Permit Number: 02-SAC-03) that expires on June 30, 2013, which covers PCBs.



## C. CONDITIONS OF APPROVAL

### 1. General Requirements

- a. This Approval supersedes all previous approvals issued by EPA that regulate PCBs at KHF.
- b. Failure to comply with any terms or conditions of this Approval is a prohibited act under Section 15 of TSCA.
- c. The Permittee shall comply with all applicable Federal, State and local laws and regulations in accordance with 40 C.F.R. § 761.50(a)(6).
- d. A Responsible Official for the Permittee shall certify any written information submitted to EPA by using the certification statement found at 40 C.F.R. § 761.3. Unless otherwise required by TSCA, all submissions (including correspondence, reports, and records) required under this Approval shall be sent in writing to the following address:

U.S. Environmental Protection Agency - Region 9  
Regional PCB Coordinator  
Toxics Office, Attn: CED-4  
Communities and Ecosystems Division  
75 Hawthorne Street  
San Francisco, CA 94105
- e. All terms and/or conditions of this Approval are severable. If any provision of this Approval is determined to be invalid, the Permittee shall still be subject to the remaining conditions.
- f. This Approval covers the management of PCB waste within and adjacent to the PCB Flushing/Storage Unit, the Final Stabilization Unit, and Landfill Unit B-18, and monitoring of closed PCB Landfill Units B-14, B-16 and B-19. No other TSCA regulated PCB management is authorized by this Approval.
- g. This Approval does not limit the applicability of TSCA's PCB requirements at this facility, such as the generator requirements and import-export prohibitions.
- h. The Permittee shall still comply with all relevant TSCA requirements not included in this Approval.
- i. Where this Approval cites State of California or State Permit reporting requirements, the Permittee shall also submit a report to EPA on the date of submission to DTSC if the report includes PCB information for the units identified in Condition C.1.f.
- j. The Permittee shall comply with the summary of reporting requirements identified in Table 1.

## 2. Facility Standards and Employee Requirements

### a. Facility Standards

- (i) Under the terms of this Approval, and in accordance with Part III. General Condition 2(A) of the State Permit, page 6, the Permittee shall implement the following plans to comply with C.C.R., Title 22, Chapter 14, Article 2, General Facility Standards, Sections:
  - (I) Security Procedures and Equipment, Chapter 6, Hazardous Waste Facility Permit and Operation Plan, Chemical Waste Management, Inc. Kettleman Hills Facility, Effective June 16, 2003 [C.C.R. § 66264.14];
  - (II) Inspection Program Plan, Chapter 7, Hazardous Waste Facility Permit and Operation Plan, Chemical Waste Management, Inc. Kettleman Hills Facility, Effective June 16, 2003 [C.C.R. §§ 66264.15(a), (b)(1)-(4), (c) and (d)];
  - (III) Training Plan: Hazardous Waste Operations Training – Participant Guide, WMX, Version for KHF, Revised September 9, 1999 [C.C.R. § 66264.16(a)(1)]; and
  - (IV) Waste Analysis Plan, Chapter 5, Hazardous Waste Facility Permit and Operation Plan, Chemical Waste Management, Inc. Kettleman Hills Facility, Effective June 16, 2003 [C.C.R. § 66264.13].
- [1] All waste analysis, performed by KHF, shall be tracked in a manner that allows the connection of test results with specific waste manifests received by KHF.
- (ii) The Permittee shall ensure the adequacy of supporting facilities, specifically:
  - (I) A six foot woven mesh fence, wall, or similar device shall be maintained around the site to prevent unauthorized persons and animals from entering [40 C.F.R. § 761.75(b)(9)(i)] and
  - (II) Roads shall be maintained within the site to support the operation and maintenance of the site without causing safety or nuisance problems or hazardous conditions [40 C.F.R. § 761.75(b)(9)(ii)].

### b. Employee Requirements

- (i) The Permittee shall ensure that personnel handling PCB waste use appropriate Personal Protective Equipment [40 C.F.R. § 761.60(b)(8)].

### 3. PCB Waste Management Standards

- a. The Permittee may not avoid any provisions of this Approval or TSCA by diluting the PCBs, unless specifically provided by the regulations [40 C.F.R. § 761.1(b)(5)].
- b. The Permittee shall not store or dispose of PCB/radioactive waste as defined in 40 C.F.R. § 761.3.
- c. The Permittee shall send TSCA-regulated PCB liquids, including liquids produced at KHF during any PCB waste draining or flushing activities, to an incinerator approved by EPA under 40 C.F.R. § 761.70. The sole exception to this condition is that the Permittee may dispose of small capacitors in accordance with 40 C.F.R. § 761.60(b)(2)(ii).
- d. The Permittee shall comply with the marking requirements set forth in 40 C.F.R. § 761.40 and 40 C.F.R. § 761.65(c)(3).
- e. The Permittee shall use marking labels in accordance with 40 C.F.R. § 761.45.
- f. The Permittee shall conduct inspections of PCB containers, tanks and landfills, in accordance with Section 7 (Inspection Program Plan) of the Hazardous Waste Facility Permit and Operations Plan, Chemical Waste Management, Inc. Kettleman Hills Facility, Effective Date June 16, 2003, and 40 C.F.R. § 761.65(c)(5), and 40 C.F.R. §§ 761.75(b)(7) & (b)(8)(ii).
- g. The Permittee shall not solidify PCB waste, except PCB liquids from incidental sources as specified in 40 C.F.R. § 761.60(a)(3), into non-liquid PCBs, unless approval is received through the modification procedures of Condition C.11.b of this Approval.
- h. State Standards for Incompatible Waste
  - (i) Under the terms of this Approval, and in accordance with Part III. General Condition 2(A) of the State Permit, page 6, the Permittee shall implement the following plans to comply with C.C.R., Title 22, Chapter 14, Article 2, General Facility Standards, Sections:
    - (I) Ignitable and Reactive and Incompatible Wastes, Chapter 11, Hazardous Waste Facility Permit and Operation Plan, Chemical Waste Management, Inc. Kettleman Hills Facility, Effective June 16, 2003 [C.C.R. § 66264.17].

#### 4. PCB Flushing/Storage

##### a. Unit Description

- (i) The PCB Flushing/Storage Unit consists of an enclosed building with a roof and walls to prevent the entrance of precipitation or run-on. It has a continuous concrete curb 1.5 feet high inside and adjacent to the walls of the building. The reinforced concrete floor has a vinyl epoxy resin surface and is sloped to drain spilled liquids away from articles and containers to a non-discharging sump for collection. A vehicle access door is at the southwest corner of the building. One 10,000 gallon aboveground storage tank is located within the building for the storage of PCB liquid and flushing solution. One 1,000 gallon aboveground storage tank is located outside the building for the storage of flushing solution. The location of the PCB Flushing/Storage Unit is shown in Attachment 2, KHF Topographic Map. The storage area, tanks and adjacent area for storage, discussed below, are shown in Attachment 3, PCB Flushing and Storage Unit Map.

- b. In accordance with the "PCB Flushing/Storage Unit Operating Plan for Chemical Waste Management, Inc.'s Kettleman Hills Facility, February 4, 1994 [Revision]", the Permittee is authorized to store the following PCB wastes, as defined in 40 C.F.R. § 761.3, in the PCB Flushing/Storage Unit: Capacitors, Excluded PCB products, Fluorescent light ballasts, Liquid PCBs, Mineral Oil PCB Transformers, Non-liquid PCBs, PCB Articles, PCB Article Containers, PCB bulk product wastes, PCB Containers, PCB-Contaminated Electrical Equipment, PCB Equipment, PCB household wastes, PCB remediation wastes, PCB sewage sludge, PCB Transformers, Waste Oil, and PCB-contaminated solvent produced through draining and flushing activities.

- (i) The maximum PCB storage limit for the KHF facility shall not exceed 10,000 gallons in the PCB Storage tank and 16,500 gallons (the equivalent of 300 55-gallon drums) in containers, transformers or other equipment.

- c. The Permittee may store non-leaking PCB items immediately adjacent to the PCB Flushing/Storage Unit for up to 10 days within secondary containment systems sufficient to hold all PCB liquids in accordance with 40 C.F.R. § 761.65(c)(1)-(2).

- (i) The facility-wide storage limit of Condition C.4.b(i) includes the PCB Flushing/Storage Unit as well as waste stored for up to 10 days immediately adjacent to the unit.

##### d. State Requirements for Container Management

- (i) Under the terms of this Approval, and in accordance with Part III. General Condition 2.(A) of the State Permit, page 6, the Permittee shall comply with C.C.R., Title 22, Chapter 14, Article 9 Use and Management of Containers, Sections:

- (I) 66264.171 - Conditions of Containers;
- (II) 66264.172 - Compatibility of Waste with Containers, except that the Permittee shall also meet the container requirements of 40 C.F.R. §§ 761.65(c)(6)- (7) and (8);
- (III) 66264.173 - Management of Containers; and

- (IV) 66264.178 - Closure, except the Permittee shall conduct cleanup to the levels specified at 40 C.F.R. § 761.125(c)(3) under the PCB Spill Cleanup Policy.
- e The Permittee shall conduct inspections in accordance with Table 7-2 of the Chemical Waste Management, Inc. Kettleman Hills Facility Hazardous Waste Facility Permit Renewal Application [C.C.R. § 66264.174].
- f The Permittee shall maintain the PCB Flushing/Storage Unit to ensure compliance with the storage unit requirements of 40 C.F.R. § 761.65(b)(1).
- g The Permittee shall drain and flush all PCB Transformers prior to disposal at KHF [40 C.F.R. § 761.60(b)(1)(i)(B)].
- h The Permittee shall decontaminate or flush all hydraulic machines containing liquid PCBs at levels equal to or greater than 1000 ppm prior to disposal at KHF [40 C.F.R. § 761.60(b)(3)(ii)].
- i In accordance with the storage requirements and limitations of this section, the Permittee shall dispose of any PCB waste within one year from the date it was determined to be PCB waste and the decision was made to dispose of it in accordance with 40 C.F.R. § 761.65(a)(1). If an extension is necessary, the Permittee shall follow the procedures set forth in 40 C.F.R. § 761.65(a)(2) to apply for an extension to the one year limit.
- j The Permittee shall decontaminate movable equipment in the PCB Flushing/Storage Unit that comes in direct contact with PCBs [40 C.F.R. § 761.65(c)(4)].
- k The Permittee shall store bulk PCB remediation waste in accordance with 40 C.F.R. § 761.65(c)(9).
- l The Permittee shall not commingle PCB household waste with PCB waste in the PCB Flushing/Storage Unit [40 C.F.R. § 761.63].
- m Container Management Requirements
  - (i) The Permittee shall maintain 2.5 feet (30 inches) of aisle space between rows of drums.
  - (ii) Rows of drums shall be no more than two drums wide.
  - (iii) Rows of drums shall be no more than two drums high.
- n State Tank Management Requirements
  - (i) Under the terms of this Approval, and in accordance with Part III. General Condition 2.(A) of the State Permit, the Permittee shall comply with C.C.R., Title 22, Chapter 14, Article 10 Use and Management of Containers, Sections:
    - (I) 66264.194 - Tank Operation; and
    - (II) 66264.196 - Tank Contingency Plan.

## 5. PCB Landfill Disposal

### a. Unit Descriptions

- (i) KHF has one active PCB landfill authorized to receive PCB waste, Landfill Unit B-18. Landfill Unit B-18 is 53 acres in area. In addition, PCB Landfill Units B-14, B-16, and B-19 have undergone closure for PCB waste disposal. Unless otherwise specified in this Approval, Landfill Unit B-18 is subject to the requirements of Chapter 40 Specific Information for Landfills, Hazardous Waste Facility Permit and Operation Plan, Chemical Waste Management, Inc. Kettleman Hills Facility, Effective June 16, 2003. The location of the landfill is shown in Attachment 2, KHF Topographic Map. A more detailed view of the landfill, including a cross-section of the liner, is contained in Attachment 4, Disposal Unit Topographical Map.

- b. In accordance with the Operation Plan, Landfill Unit B-18, Phases I and II, Kettleman Hills Facility, Chemical Waste Management, Inc., April 15, 1992 (revised December 27, 1993), the Permittee is authorized to dispose of the following PCB waste defined under 40 C.F.R. § 761.3 in Landfill Unit B-18: Small Capacitor; Fluorescent light ballast; and PCB bulk product waste. In addition, the following can be disposed of if they meet the definitional requirement for non-liquid PCBs: Mineral Oil PCB Transformers; Natural gas pipeline systems; Non-liquid PCBs; PCB Articles; PCB Article Containers; PCB Containers; PCB-Contaminated Electrical Equipment; PCB Equipment; PCB household waste; PCB remediation waste; PCB sewage sludge; and PCB Transformers.

- (i) The maximum capacity of Landfill Unit B-18 shall not exceed 10,443,550 cubic yards inclusive of waste, daily cover, and cap material.

### c. State Groundwater Monitoring Requirements-

- (i) Under the terms of this Approval, and in accordance with Part III. General Condition 2.(A) of the State Permit, page 6, the Permittee shall implement Chapter 27-30 of its Hazardous Waste Facility Permit and Operation Plan, Effective June 16, 2003 (including referenced plans and documents within the Chapters) in order to comply with C.C.R., Title 22, Chapter 14, Article 6 Water Quality Monitoring and Response Programs for Permitted Facilities, Sections:

- (I) 66264.91(a) - Monitoring and Response Program;
- (II) 66264.92 - Groundwater Protection Standard;
- (III) 66264.97 - General Groundwater Monitoring;
- (IV) 66264.98 - Detection Monitoring Program;
- (V) 66264.99 - Compliance Monitoring Program; and
- (VI) 66264.100 - Corrective Action Program.

### d. State Landfill Requirements

- (i) Under the terms of this Approval, and in accordance with Part III. General Condition 2.(A) of the State Permit, page 6, the Permittee shall comply with C.C.R., Title 22, Chapter 14, Article 14 Landfills, Sections:
  - (I) 66264.301(g)-(k) Design, Construction and Operating Requirements;
  - (II) 66264.302 Action Leakage Rate;

- (III) 66264.303(b)(4) Self Inspection Requirements;
  - (IV) 66264.303(c) Monitoring Requirements;
  - (V) 66264.304 Response Actions Requirements;
  - (VI) 66264.309 Surveying and Recordkeeping;
  - (VII) 66264.312(a) Special Requirements for Ignitable or Reactive Waste;
  - (VIII) 66264.313 Special Requirements for Incompatible Wastes; and
  - (IX) 66264.315 Special Requirements for Containers.
- e. State Leachate Management Requirements
- (i) Leachate will be managed as a hazardous waste in accordance with Part III. General Condition 2.(A) of the State Permit, page 6 and C.C.R., Title 22, Chapter 11, Article 1 Identification and Listing of Hazardous Waste - General, Section 66261.3(c)(1).
  - f. Within 60 days of the effective date of this Approval, the Permittee shall submit to EPA a revised leachate monitoring plan incorporating PCBs in leachate monitoring for Landfill Units B-18 and B-19 [40 C.F.R. § 761.75(b)(7)].
  - g. When analyzing water and leachate for PCBs, the Permittee shall set a detection limit of 0.5 ppb, in accordance with the unrestricted use standard under 40 C.F.R. § 761.79(b)(1)(iii).
  - h. The Permittee shall backfill (or fill) the landfill in accordance with Chapter 40 of Chemical Waste Management Inc., Hazardous Waste Facility Permit and Operation Plan, Chemical Waste Management, Inc. Kettleman Hills Facility, Effective June 16, 2003 [40 C.F.R. § 761.75(b)(8)(ii)].

6. Preparedness, Prevention, and Emergency Response
  - a. The Permittee shall follow the procedures contained in its Preparedness and Prevention Plan (Chapter 10, Hazard Prevention, of Hazardous Waste Facility Permit and Operation Plan, Effective June 16, 2003) in accordance with C.C.R., 66264.30-37.
  - b. State Requirements for Preparedness and Prevention
    - (i) Under the terms of this Approval, and in accordance with Part III. General Condition 2.(A) of the State Permit, page 6, the Permittee shall comply with C.C.R., Title 22, Chapter 14, Article 3 Preparedness and Prevention, Sections:
      - (I) 66264.31 Design and Operation of Facility;
      - (II) 66264.32 Required Equipment;
      - (III) 66264.33 Testing and Maintenance of Equipment;
      - (IV) 66264.34 Access to Communications or Alarm Systems; and
      - (V) 66264.37 Arrangements with Local Authorities.
  - c. The Permittee shall conduct prevention and response activities specified in its contingency plans and hazard prevention plans (Contingency Plan and Hazard Prevention Plan, Chapters 9 and 10, Hazardous Waste Facility Permit and Operation Plan, Effective June 16, 2003) in accordance with C.C.R. § 66264.51 and 54.
  - d. The Permittee shall implement its Spill Prevention Control and Countermeasures Plan, dated September 2001, in accordance with 40 C.F.R. § 761.65(c)(7)(ii).
  - e. State Requirements for Contingency Planning and Emergency Preparedness
    - (i) Under the terms of this Approval, and in accordance with Part III. General Condition 2.(A) of the State Permit, page 6, the Permittee shall comply with C.C.R., Title 22, Chapter 14, Article 4 Contingency Plan and Emergency Procedures, Sections:
      - (I) 66264.51 Purpose and Implementation of Contingency Plan;
      - (II) 66264.52 Content of Contingency Plan;
      - (III) 66264.53 Copies of Contingency Plan;
      - (IV) 66264.54 Amendment of Contingency Plan;
      - (V) 66264.55 Emergency Coordinator; and
      - (VI) 66264.56 Emergency Procedures.



## 7. Recordkeeping and Reporting

- a. The Permittee shall collect and maintain all PCB records, documents, letters, and reports required to be maintained by 40 C.F.R. § 761.180(b), (d), and (f) on-site for 20 years after closure and make them available to EPA upon request.
- b. The Permittee shall comply with 40 C.F.R. § 761.180(b)(3)(iii)-(vi) by maintaining records and logs in a manner that allow the weight in kilograms and total number of PCB transformers to be tracked separately from PCB-contaminated transformers.
- c. The Permittee shall write in ink or type all records required to be created and maintained by 40 C.F.R. Part 761 Subpart J (General Records and Reports), Subpart K (PCB Waste Disposal Records and Reports) and this Approval. Any modification or correction of the records must be initialed and dated by the supervisor in charge.
- d. Waste Disposal Records and Reports
  - (i) The Permittee shall comply with the following provisions of 40 C.F.R. Part 761, Subpart K:
    - (I) 761.207 - General requirements for manifests related to off-site incineration;
    - (II) 761.210(a)(2) – Requirement to submit manifest discrepancy reports for significant discrepancies in physical state or concentration of PCB waste that may be discovered by inspection or waste analysis;
    - (III) 761.211(a)(2) – Requirement to seek a manifest or return waste for any unmanifested PCB waste;
    - (IV) 761.211(b) – Requirement to seek the approval of the Director prior to storage or disposal of unmanifested PCB waste;
    - (V) 761.215(c)-(e) – Requirement to submit one-year exception reports; and
    - (VI) 761.218 – Requirement to issue Certificates of Disposal.
- e. On July 15 of each year, the Permittee shall submit to the PCB Coordinator and the Information Repository the annual report required by 40 C.F.R. § 761.180(b)(3) for the previous calendar year.
- f. State Manifest, Recordkeeping and Reporting Requirements
  - (i) Under the terms of this Approval, and in accordance with Part III. General Condition 2.(A) of the State Permit, page 6, the Permittee shall comply with C.C.R., Title 22, Chapter 14, Article 5, Manifest System, Recordkeeping, and Reporting, Sections:
    - (I) 66262.23(a) - Generator Manifest Requirements;
    - (II) 66262.40(a) - Generator Manifest Retention;
    - (III) 66262.42(a) and (b) - Generator Tracking and Follow-Up on Manifests;
    - (IV) 66264.71(a)(1)-(4) and (6) - Manifest Completion and Retention;
    - (V) 66264.71(c) & (f)-(g) - Use of Manifest System;
    - (VI) 66264.72(a) and (b) - Manifest Discrepancies;
    - (VII) 66264.74(a) - EPA Record Access;
    - (VIII) 66264.74(b) - Record Retention; and
    - (IX) 66264.76 - Unmanifested Waste Reports.

- g. Whenever Landfill Unit B-18 has not received for 180 days or more any hazardous waste as defined under state or federal law, the Permittee will notify the Director unless notice has been provided in accordance with Condition C.8.a.(i).

## 8. Closure and Post-Closure

### a. Closure Schedule

- (i) The Permittee will notify the Director 60 days before the expected receipt of the final volume of hazardous waste at the Flushing/Storage Unit or Landfill Unit B-18.
- (ii) Within 90 days of receiving the final volume of PCB waste at the Flushing/Storage Unit, the Permittee shall remove all PCB waste from the Flushing/Storage Unit, and conduct closure in accordance with the PCB Flushing/Storage Unit Operation Plan for Chemical Waste Management, Inc., Revised February 1994; and C.C.R., Title 22, Chapter 14, Article 7 Closure and Post-Closure, Section 66264.113(a).
- (iii) Within 180 days after receiving the final volume of PCB waste at the Flushing Storage Unit or Landfill Unit B-18, except as allowed by Conditions C.8.a.(iii) (I) and (II), the Permittee shall complete the activities specified in the Construction specifications and quality assurance plan, Landfill Unit B-18 phases I and II and final closure, Environmental Solutions, Inc., July 1990; and C.C.R., Title 22, Chapter 14, Article 7 Closure and Post-Closure, Section 66264.113(b).
  - (I) The Permittee may request additional time for closure [C.C.R., Title 22, Chapter 14, Article 7 Closure and Post-Closure, Section 66264.113(c)].
  - (II) The Permittee may request a modification, in accordance with Condition C.11.b. of this Approval, to allow receipt of solid waste at Landfill Unit B-18 during closure [C.C.R., Title 22, Chapter 14, Article 7 Closure and Post-Closure, Section 66264.113(d)].

### b. State Closure and Post-Closure Requirements

- (i) Under the terms of this Approval, and in accordance with Part III, General Condition 2(A) of the State Permit, page 6, the Permittee shall comply with C.C.R., Title 22, Chapter 14, Article 7 Closure and Post-Closure, Sections:
  - (I) 66264.111 Closure Performance Standard;
  - (II) 66264.112(b),(c),(d) Closure Plan; Amendment of Plan, except that for (c) substitute "in accordance with applicable procedures in chapters 20 and 21 of this division" with "Condition C.11.b. of this Approval";
  - (III) 66264.114 Disposal or Decontamination of Equipment, Structures, and Soils;
  - (IV) 66264.115 Certification of Closure;
  - (V) 66264.116 Survey Plat;
  - (VI) 66264.117 Post Closure Care and Use of Property;
  - (VII) 66264.118 Post-Closure Plan Amendment of Plan;
  - (VIII) 66264.119 Post-Closure Notices; and
  - (IX) 66264.120 Certification of Completion of Post-Closure Care.

c. State Post-Closure Requirements

- (i) Under the terms of this Approval, and in accordance with Part III. General Condition 2(A) of the State Permit, page 6, the Permittee shall comply with C.C.R., Title 22, Chapter 14, Article 14 Closure and Post-Closure Care, Section 66264.310(b).
- (ii) PCB Landfill Units B-14, B-16, and B-19 have undergone closure for PCB waste disposal. Landfill Unit B-19 continues to receive municipal solid waste. Unless otherwise specified in this Approval, Landfill Units B-14, B-16, and B-19 are subject to the requirements of Chapter 40 Specific Information for Landfills, Hazardous Waste Facility Permit and Operation Plan, Chemical Waste Management, Inc. Kettleman Hills Facility, Effective June 16, 2003. The location of the landfills is shown in Attachment 2, KHF Topographic Map.

## 9. Financial Assurance for Closure and Post-Closure

- a. The Permittee shall maintain financial assurance at least equal to the cost of final closure and post-closure at the point in the remaining active life of PCB operations at KHF that would make it the most expensive.
- b. The Permittee shall maintain financial assurance for closure using either a:
  - (i) Closure trust fund in accordance with C.C.R. § 66264.143(a),
  - (ii) Surety bond guaranteeing payment into a closure trust fund in accordance with C.C.R. § 66264.143(b),
  - (iii) Surety bond guaranteeing performance of closure in accordance with C.C.R. § 66264.143(c),
  - (iv) Closure letter of credit in accordance with C.C.R. § 66264.143(d),
  - (v) Closure insurance in accordance with C.C.R. § 66264.143(e),
  - (vi) Financial test and guarantee for closure in accordance with C.C.R. § 66264.143(f), or
  - (vii) Use of multiple financial mechanisms in accordance with C.C.R. § 66264.143(g).
- c. The Permittee must maintain financial assurance for post-closure using either a:
  - (i) Post-closure trust fund in accordance with C.C.R. § 66264.145(a),
  - (ii) Surety bond guaranteeing payment into a post-closure trust fund in accordance with C.C.R. § 66264.145(b),
  - (iii) Surety bond guaranteeing performance of post-closure in accordance with C.C.R. § 66264.145(c),
  - (iv) Post-closure letter of credit in accordance with C.C.R. § 66264.145(d),
  - (v) Post-closure insurance in accordance with C.C.R. § 66264.145(e),
  - (vi) Financial test and guarantee for post-closure in accordance with C.C.R. § 66264.145(f), or
  - (vii) Use of multiple financial mechanisms in accordance with C.C.R. § 66264.145(g).
- d. The closure cost estimates shall at least equal the cost of final closure and post-closure at the point in the Facility's remaining active life of PCB operations that would make it the most expensive [C.C.R. § 66264.142(a)(1)] .
- e. The closure and post-closure cost estimate shall be based on the costs to Permittee of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the Permittee. (See definition of parent corporation in C.C.R. § 66260.10.) The Permittee may use costs for on-site disposal if it can be demonstrated that on-site disposal capacity will exist at all times over the life of the facility [C.C.R. §§ 66264.142(a)(2) & 66264.144(a)(1)] .
- f. The Permittee shall annually, within 60 days of the anniversary date of the financial assurance mechanism, adjust the closure and post-closure cost estimate for inflation for the following units at KHF: the PCB Flushing/ Storage Unit and Landfill Units B-14, B-16, B-18 and B-19 [C.C.R. §§ 66264.142(b) & 66264.144(b)].
- g. The Permittee shall adjust the closure and post-closure cost estimate within 30 days after DTSC approves a change in the closure and post-closure plan that increases the closure and post-closure cost [C.C.R. §§ 66264.142(c) & 66264.144(c)].

- h. The Permittee shall submit to EPA a copy of the revised financial assurance mechanism within 30 days after any change to the financial assurance mechanism.
- i. The Permittee shall keep on-site a copy of the most recent closure and post-closure cost estimates and financial assurance for closure and post-closure [C.C.R. §§ 66264.142(d) & 66264.144(d)].
- j. The closure cost estimate shall not incorporate any salvage value that may be realized with the sale of hazardous wastes, or non-hazardous wastes if applicable under section 66264.113(d), facility structures or equipment, land, or other assets associated with the facility at the time of partial or final closure[C.C.R. § 66264.142(a)(3)] .
- k. The Permittee shall not incorporate a zero cost for hazardous wastes, or non-hazardous wastes if applicable under C.C.R. § 66264.113(d), that might have economic value[C.C.R. § 66264.142(a)(4)].
- l. The Permittee may, upon receipt of written approval from EPA, terminate the financial assurance mechanism for KHF after final closure or transfer of ownership as described in Condition C.11.d [C.C.R. § 66264.143(j)(1)-(2)].
- m. The Permittee may, upon receipt of written approval from EPA, terminate the financial assurance mechanism for KHF after completion of post-closure care plan [C.C.R. § 66264.145(i)].
- n. If a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, names the Permittee as a debtor, the Permittee shall provide written notice to the Regional PCB Coordinator within 21 days its receipt of notice of the of commencement of the proceeding.

## 10. Air Risk Analysis

- a. Within 60 days of the effective date of this Approval, the Permittee shall submit for EPA approval a PCB Risk Analysis Workplan. The Workplan shall evaluate the health risks associated with air emissions of PCBs, including whole PCB mixtures (e.g. Aroclors) and dioxin-like PCB congeners (as identified on the EPA PCB web page: <http://www.epa.gov/toxteam/pcb/tefs.htm>), from the facility.
  - (i) The Workplan shall, at a minimum, include the following:
    - (I) Quantification of actual and potential PCB emissions,
    - (II) Quantification of vapors and particulate-phase PCB emissions,
    - (III) An explanation of preliminary risk calculations used to develop target risk concentrations for air, soil, biota and other media, using a cancer risk of  $1 \times 10^{-6}$  (1 in one million) and a target hazard index of 1.
    - (IV) An evaluation based on existing data and risk modeling of whether further sampling of one or more media is not necessary.
    - (V) An explanation of how the data generated under the sampling plan described in Condition 10.b will be used in the final risk assessment report described in Condition 10.d.
  - (ii) The Permittee's PCB Risk Analysis Workplan shall conform with appropriate EPA guidance, including:
    - (I) Risk Assessment Guidance for Superfund (RAGS), Part A, Human Health Evaluation Manual (EPA/540/1-89/002)  
(<http://www.epa.gov/oswer/riskassessment/ragsa/index.htm>)
    - (II) Air Toxics Risk Assessment Reference Library (EPA-453-K-04-001A)  
([http://www.epa.gov/ttn/fera/risk\\_atra\\_vol1.html#part\\_i](http://www.epa.gov/ttn/fera/risk_atra_vol1.html#part_i))
    - (III) Exposure and Human Health Reassessment of 2,3,7,8-Tetrachlorodibenzo-p-Dioxin (TCDD) and Related Compounds National Academy Sciences (NAS) Review Draft (EPA/600/P-00/001BCc)  
(<http://www.epa.gov/ncea/pdfs/dioxin/nas-review/>).
- b. Within 90 days of EPA approval of the PCB Risk Analysis Workplan, to the extent additional sampling is necessary, the Permittee shall submit for EPA approval a Sampling Plan for air, soil, biota and other media, as needed, to demonstrate that facility releases do not pose an unreasonable risk to health or the environment.
  - (i) The Permittee shall follow the EPA Data Quality Objectives (DQO) process in preparing its Sampling Plan.
    - (I) The Sampling Plan shall include target risk concentrations, see Condition 10.a.(i)(IV) above, for consideration in the DQO process
  - (ii) The Sampling Plan shall conform with appropriate EPA guidance, including:
    - (I) Guidance for Data Quality Objectives: Guidance on Systematic Planning using the Data Quality Objectives Process. (QA/G4, EPA/240/B-06/001)  
<http://www.epa.gov/quality/qs-docs/g4-final.pdf>,
    - (II) Guidance for Quality Assurance Project Plans (QA/G-5) (EPA/240/R-02/009) <http://www.epa.gov/quality/qs-docs/g5-final.pdf>, and

- (III) Data Quality Assessment: A Reviewer's Guide (QA/G-9R) (EPA/240/B-006/002, February 2006) (<http://www.epa.gov/quality/qs-docs/g9r-final.pdf>).
- (iii) Following EPA approval of the Sampling Plan, the Permittee shall implement the approved Sampling Plan, in accordance with the schedule in the approved Sampling Plan.
- (iv) The results of the Sampling Plan implementation shall be submitted for EPA approval as a Sampling Report within 90 days of completion of field sampling.
- c. Within 60 days of EPA approval of the Sampling Report, the Permittee shall submit to EPA a final PCB Risk Assessment Report which incorporates the data from the Sampling Report into the approved PCB Risk Analysis Workplan.
- d. Based on the PCB Risk Assessment Report, through a permit modification, EPA may require Permittee to undertake additional measures to mitigate unreasonable risks or conduct monitoring to ensure an unreasonable risk does not currently exist or develop in the future.



11. Modification, Termination, Suspension, Transfer, Continuation and Renewal of this Approval

a. Modification of the State Permit

- (i) The Permittee shall provide EPA with copies of all requests to modify the State Permit as well as copies of requests made to DTSC to modify plans necessary to comply with this Approval, on the same day the request is submitted to DTSC.

b. Modifications to this Approval Requested by the Permittee

- (i) The Permittee may request modifications of this Approval by submitting a written request to EPA that includes the proposed permit changes, discussion of why the modification is necessary and how it is consistent with TSCA, and copies of all supporting documentation. For all modification requests, within 7 days after sending the request to EPA, the Permittee shall mail a public notice to the facility mailing list maintained by Permittee and to all appropriate units of State and local government, as well as submit a copy of the public notice to EPA. The Permittee shall also include copies of the modification request and public notice in the Information Repository. In addition, the Permittee shall publish an announcement of the modification request in a major local newspaper of general circulation briefly describing the requested change. The notice sent to the public shall include the following information:
  - (I) A description of the change to be made to the conditions of this Approval;
  - (II) Identification of whether the modification is considered a Minor Modification or Significant Modification;
  - (III) A short explanation of why the modification is needed;
  - (IV) Name and telephone number of the Permittee's contact person;
  - (V) Location of the Information Repository where copies of the modification request and supporting documents can be viewed and copied;
  - (VI) Statement that the public has 45 days to comment on the proposed modification to EPA, along with an identification of the most up-to-date contact information for the Regional PCB Coordinator, including phone and email contact information; and
  - (VII) For Significant Modifications, a statement that the public may request a public hearing from EPA within the 45-day comment period.
- (ii) Modification requests shall be classified by the applicant as either a Minor Modification or Significant Modification based on the following criteria:
  - (I) Minor Modifications are defined as minor changes that keep the permit current with routine changes to the facility or its operation or changes that are necessary to enable the Permittee to respond, in a timely manner, to:
    - [1] Technological advancements, and
    - [2] Changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in this Approval.
  - (II) Significant Modifications are defined as modifications that substantially alter the facility or its operation.

- (III) The Permittee may request a determination by the Director as to whether a modification request should be considered as Minor or Significant.
- (iii) Minor Modifications will be processed in the following manner:
  - (I) Except as provided in Conditions 11.b.(iii)[II] or 11.b.(v) of this Section, the Permittee may put into effect Minor Modifications 90 days after submittal of a modification request to EPA under the following conditions:
    - [1] The Permittee must submit its Minor Modification request via certified mail or other means that establish proof of delivery.
    - [2] The Permittee must have provided public notice as required by Condition 11.b.(i) of this Section.
    - [3] The Permittee has properly classified the modification as a Minor Modification based on the criteria set forth in Condition 11.b.(ii) of this Section.
  - (II) After receipt of the request and as expeditiously as possible, the Director will:
    - [1] Approve the Minor Modification request, with or without changes, and modify this Approval accordingly. An updated version of this Approval will be sent to the Permittee and included in the Information Repository;
    - [2] Deny the request, and notify the Permittee via certified mail of the denial. The Director may deny the request based on the following:
      - [A] The modification request is inconsistent with TSCA;
      - [B] The modification request is incomplete (in which case the denial will request additional information);
      - [C] The conditions of the modification fail to protect human health and the environment; or
      - [D] Determine that the proposed Minor Modification request must follow the procedures set forth in Condition 11.b.(iv) of this Section for Significant Modifications.
    - [3] In the event of a denial of the modification request or a reclassification of it as a request for a Significant Modification, the Permittee must immediately comply with the original Approval conditions upon receipt of notification from EPA.
    - [4] In acting on the request, the Director will consider and respond to all significant written comments received during the 45-day comment period.
- (iv) Significant Modifications will be processed in the following manner:
  - (I) To the extent that the public requests a public hearing and have raised significant issues, the Director may hold a public hearing and will extend the comment period until such time as the hearing is held. EPA will announce a public meeting to all parties on the Facility Mailing List and provide notice of the meeting through an announcement in a local newspaper a reasonable number of days before the meeting. These meetings may be held in conjunction with DTSC.

- (II) A Significant Modification request by the Permittee shall not become effective until EPA has issued a final decision on the modification request pursuant to Condition 11.b.(iv)(III) of this Section.
- (III) EPA will issue a final decision on the modification request within 180 days of the submission of the request. In that final approval decision, the Director may:
  - [1] Approve the Significant Modification request, with or without changes, and modify this Approval accordingly. An updated version of this Approval will be sent to the Permittee and included in the Information Repository;
  - [2] Deny the request, and notify the Permittee via certified mail of the denial. The Director may deny the request based on the following:
    - [A] The modification request is inconsistent with TSCA;
    - [B] The modification request is incomplete; or
    - [C] The conditions of the modification request fail to protect human health and the environment.
  - [3] In acting on the request, the Director will consider and respond to all significant written comments received during the 45-day comment period.
- (v) The Director, by written notice to the Permittee and at his or her discretion, may:
  - (I) Extend the date of the effectiveness of the requested modification notwithstanding the time set forth in Condition 11.b.(iii)[I] of this Section;
  - (II) Extend the time that the public may comment on a requested modification;
  - (III) Require that the Permittee provide additional public notice as deemed necessary to comply with this Section.
- (vi) To the extent that a modification request also requires a change to the State Permit, notwithstanding the timeframes set forth in this Section, no modification under this Section shall become effective until the State Permit has been modified in accordance with State law. The Permittee shall provide EPA a copy of any final DTSC approval of changes to the State Permit within 7 days of its receipt of notice of the approval.
- c. Modifications to this Approval Initiated by EPA
  - (i) When the Director receives any information or conducts a review of the permit file, he or she may determine whether a cause exists for modification of this Approval. If cause exists, the Director may modify this Approval accordingly, and may request an updated application if necessary.
  - (ii) When this Approval is modified, only the conditions subject to modification are reopened.
  - (iii) The Director shall provide 45-days to the Permittee and public to comment on any proposed modification.

- (iv) The Director shall address any substantive comments received during this period in his or her final decision on the proposed modification, and provide a copy of the modified Approval along with the response to comments to the Permittee, those that commented on the proposed Approval modification, and the Information Repository.
- d. Transfer
  - (i) At least 90 days prior to the transfer of the ownership of the property or the transfer of the right to operate PCB management activities at KHF, the Permittee shall:
    - (I) Submit notice to EPA that includes a notarized affidavit signed by the transferee which states that the transferee will abide by this Approval [40 C.F.R. § 761.65(j) and 40 C.F.R. § 761.75(c)(7)]; and
    - (II) Provide the financial assurance for closure that the transferee will have in effect as of the date of transfer.
  - (ii) The date of transfer of this Approval shall be the date the Director provides written Approval of the transfer.
- e. Termination or Suspension
  - (i) EPA may suspend or terminate this Approval, or deny an application for Approval Renewal, if the Director determines that one or more of the following conditions have been met, in accordance with 40 C.F.R. § 761.77(a):
    - (I) Conditions of this Approval relating to PCB waste management activities are not met;
    - (II) The PCB waste management process is being operated in a manner which may result in an unreasonable risk to human health and the environment; or
    - (III) The State Permit expires, is revoked, is suspended or otherwise ceases to be in full effect.
  - (ii) EPA shall provide a thirty (30) day notice to the Permittee of the reason(s) warranting the proposed termination or suspension.
    - (I) EPA will not terminate or suspend this Approval if the Permittee can sufficiently demonstrate within the 30-day period that it has eliminated or corrected the reason(s) warranting the termination or suspension.
    - (II) Upon suspension or termination, unless otherwise indicated by the Director to the Permittee in writing, the Permittee shall immediately cease all activities provided for by this Approval.
    - (III) If this Approval is suspended, the Permittee may apply for reinstatement of this Approval by providing the Director with evidence that the reason(s) which resulted in the suspension of this Approval have been eliminated. The Permittee shall not resume operations until the Director approves the reinstatement of this Approval.
- f. Continuation
  - (i) The conditions of this Approval shall continue beyond the expiration date, if:
    - (I) The Permittee has submitted an Application for renewal to EPA in accordance with Condition C.11.g. of this Approval;

- (II) DTSC has issued a determination letter that it has received a complete application in accordance with C.C.R. § 66270.10(c); and
- (III) The Director, through no fault of the Permittee, does not issue a new Approval with an effective date on or before the expiration date of this Approval.

g. Renewal

- (i) The Permittee shall submit notice of intent to seek a TSCA PCB Approval, or renew this TSCA PCB Coordinated Approval, no less than 360 days prior to the expiration of this Approval. Such notice shall consist of an application that includes all documents necessary to satisfy the requirements for a TSCA PCB Coordinated Approval set forth in 40 C.F.R. § 761.77 (including a Permit Application set forth in C.C.R., Title 22, Chapter 20, Article 2 Permit Application, Section 66270.11 General Application Requirements) or for a TSCA PCB Approval under 40 C.F.R. § Part 761.
- (I) EPA may choose to make a determination of initial completeness within 30 days of receipt of the application provided by the Permittee.
  - [1] EPA may still notify the Permittee of deficiencies in the application even after the determination of initial completeness;
  - [2] If EPA determines that the Permittee's application does not contain the substantive elements of an Application, as specified in 40 C.F.R. § 761.77, EPA will notify the Permittee and may allow up to 60 additional days for revision of the application; and
  - [3] If EPA cannot make a finding of initial completeness for the revised application, this Approval shall not be continued in accordance with provision C.11.f. of this Approval.

D. Effective Date, Approval Term and Signature

1. This Approval is effective on the date of signature by the Director and will remain in effect until June 30, 2013, unless modified, terminated, suspended, transferred, continued, or renewed in accordance with Condition C.11 of this Approval.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Enrique Manzanilla  
Director  
Communities and Ecosystems Division

Table 1: Summary of Reporting Requirements*		
Approval Condition	Due	Summary Description of Requirement (See Approval Condition for Actual Requirement)
C.4.n.(i)(II)	On the same day notice and reports are provided or submitted to the State	Notice and reports resulting from the implementation of the Tank Contingency Plan for PCBs
C.5.c.(i)(I)-(VI)	On the same day monitoring report is submitted to the State	Monitoring and corrective action reports that include samples analyzed for PCBs
C.5.f.	Within 60 days of the effective date of this Approval	Revised leachate monitoring plan incorporating PCBs
C.6.e.(VI)	On the same day notice and reports are provided or submitted to the State	Notice and reports resulting from the implementation of the Contingency Plan for PCBs or PCB waste storage or disposal units
C.7.d.(i)(II)	Within 15 days of receiving manifested waste (where discrepancies have not been resolved)	Manifest discrepancy reports, due to an incorrect PCB waste quantity, physical state, or concentration
C.7.d.(i)(IV)	Prior to storage or disposal	Request approval prior to storage or disposal of unmanifested waste
C.7.d.(i)(V)	No later than 45 days from the end of the 1-year storage for disposal date	Exception reporting for PCB waste
C.7.e.	July 15 of each year	Annual report for the previous calendar year
C.7.f.(i)(VI)	Within 15 days of receiving manifested waste (where discrepancies have not been resolved)	State manifest discrepancy reports for PCB waste
C.7.f.(i)(IX)	Prior to storage or disposal	Unmanifested waste report for PCB waste
C.7.g	180 days after receiving last waste	Notification of significant interval between waste disposal in Landfill Unit B-18
C.8.a.(i)	60 days from receiving the final volume of waste	Notification of the final volume of hazardous waste is received at the Flushing/Storage Unit or Landfill Unit B-18
C.8.b(i)(IV) and (V)	On the same day the survey plat or certification is submitted to the State	Closure Certification and Survey Plat
C.8.b(i)(VIII) and (IX)	On the same day the notice or certification is submitted to the State	Post-Closure Notice and Certification of Completion of Post-Closure Care
C.8.c(i)	On the same day the report is submitted to the State	Annual Post-Closure Report

Table 1: Summary of Reporting Requirements*		
C.9.h	Within 30 days after any change	Financial Assurance Mechanism
C.10.a	Within 60 days after approval date	PCB Risk Analysis Plan
C.10.b	Within 90 days after approval of PCB Risk Analysis Plan	Sampling Plan
C.10.(b)(iv)	Within 90 days after completion of field sampling	Sampling Report
C.10.c	Within 60 days after EPA approval of Sampling Report	PCB Risk Assessment Report
C.11.a.(i)	On the same day the submission is made to DTSC	Request to modify the State Permit
C.11.b(i)	Within 7 days of any proposed TSCA Modification	Notice to the facility mailing list
C.11.d(i)(I)	90 days prior to the expected date of ownership transfer	Notice of intent to transfer the facility
C.11.d(i)(II)	90 days prior to the date expected ownership transfer	Financial assurance for the transferee
C.11.g(i)	360 days prior to the expiration of this Approval	Application for a PCB Approval or renewal of this PCB Coordinated Approval
C.11.g(i)(I)[2]	As specified by EPA at the time of the determination but not longer than 60 days	Revised Application for PCB Approval or PCB Coordinated Approval
<p>* This summary is intended as a convenience to the Permittee and EPA. It does not alter any conditions of this Approval, or alleviate the need to comply with conditions of this Approval in the event that a reporting requirement has been inadvertently omitted from this list. The Permittee may propose corrections to this summary in accordance with Section C.11.b.(ii)(I) of this Approval.</p>		